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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/068,686  | 02/06/2002  | James Brian Libby    | 9340.965US01        | 8775             |
| 7590  | 03/17/2006  |                      | EXAMINER            |                  |
| KEATS A. QUINALTY<br>WOMBLE CARLYLE SANDRIDGE & RICE<br>P.O. BOX 7037<br>ATLANTA, GA 30357-0037 |             |                      | NGUYEN, JIMMY H     |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2673                |                  |

DATE MAILED: 03/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                             |                     |  |
|------------------------------|-----------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b>      | <b>Applicant(s)</b> |  |
|                              | 10/068,686                  | LIBBY ET AL.        |  |
|                              | Examiner<br>Jimmy H. Nguyen | Art Unit<br>2673    |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 20 December 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 2,8,12 and 19-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 2,8,12 and 19-31 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/20/2005 has been entered. Claims 2, 8, 12, and 19-31 are currently pending in the application. An action follows below:

#### *Drawings*

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the feature, "the second sash of claim 20 or the multi-task window of claim 28 is entirely receivable into the wall adjacent the window frame", must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an

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application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

3. Claim 28 is objected to because of the following informalities: "that" in line 2 should be changed to -- and -- in order to clarify that the tap, rather than the window, protrudes into the frame. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 20, 28 and 29 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Regarding to claims above, the disclosure, when filed, does not contain sufficient information regarding to the claimed feature, "the second sash of claim 20 or the multi-task window of claim 28 is entirely receivable into the wall adjacent the window frame", so as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The disclosure, page 2, line 29 through page 3, line 17, only contains information as much as recited in the claims. However, the disclosure, when filed, does

not contain sufficient information regarding to how the entire third sash window 135 (corresponding to the claimed second sash of claim 20 and the multi-task window of claim 28) can extend beyond the frame perimeter 120 or is entirely received into the adjacent wall. Moreover, if the entire third sash window 135 could extend beyond the frame perimeter 120 or could be entirely received into the adjacent wall (i.e., all elements of the window 135 must be located out of the frame perimeter), the sash window 135 is no longer in contact with the bottom frame 111 and the top frame 112, thereby no longer being housed in the window frame. This is in contrast to the feature, “the second window of claim 19 or the multi-task window of claim 21 housed in the window frame. Furthermore, when the entire third sash window 135 could extend beyond the frame perimeter 120 or could be entirely received into the adjacent wall, which element supports for the sash window and allows the window moving back to the window frame. Accordingly, the disclosure, when filed, does not fairly contain sufficient information regarding to the above underlined claimed feature, so as to enable one skilled in the pertinent art to make and use the claimed invention.

6. It is noted to Applicants that the original claims 7 and 8 similarly recited the above underlined feature and were rejected for the same reason above. See the Office Action dated 08/04/2004. Further, due to the rejection under 35 USC 112, first paragraph, to claims 20, 28 and 29, the following rejections to these claims are based as best understood by the examiner.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2, 8, 12 and 19-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitchell (USPN: 3,896,589) and further in view of McManigal (USPN: 5,253,051).

As per claims 8 and 19-29, Mitchell discloses a window unit comprising a window frame (11) (fig. 1; col. 3, line 8) and two windows (two horizontally movable window sashes 12a, 12b; see fig. 1; col. 3, lines 8-9) including a first window (12a) and a second window (12b) (or a multi-task window of claim 21). Mitchell further teaches two sash windows (12a, 12b) capable of moving along a horizontal window unit axis (col. 3, lines 5-10 and lines 55-62), thereby inherently creating or forming an opening in the window frame and in the wall of the structure. Mitchell further teaches a tap (a handle 95, see fig. 1) for allowing a user to grasp and easily move the window. Mitchell does not expressly teach one of the two windows including a display module for receiving a display signal and displaying the display signal. Accordingly, Mitchell discloses all the claimed limitations of these claims except a display module housed or included in the window and the window being receivable into the wall adjacent the window frame (claim 19) or at least a portion of the window extending beyond the frame perimeter (claim 21), as presently claimed.

However, McManigal discloses a window unit comprising two windows, a first window (a window including two left portions 32 as shown in fig. 6) and a second window or a multi-task window (see fig. 6) including a video screen 31 (corresponding to the claimed display module) and three remaining portions 32 (see fig. 6). McManigal further teaches the display module (video display 10/31, see figs. 2 and 6, col. 2, lines 64-66, col. 5, line 31) adapted to receive a display signal from a display signal source (col. 1, line 61 through col. 2, line 1).

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Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide a display module in the first or second window of Mitchell, in view of the teaching in the McManigal reference, because this would provide the user to view simultaneously the outside scene and the selected scene presented on the video display, as recognized by one of ordinary skilled in the art as taught by McManigal (col. 1, line 40 through col. 2, line 29).

However, the combination of Mitchell and McManigal as discusses above still fails to teach the window being receivable into the wall adjacent the window frame (claim 19) or at least a portion of the window extending beyond the frame perimeter (claim 21), as presently claimed. Official Notice is taken that at least a portion of the window or the entire window extending beyond the frame perimeter or into the wall is well known and expected in the art, e.g., the operation of the vehicle window or the door of an elevator. Further, the benefits of using at least a portion of the window or the entire window extending beyond the frame perimeter or into the wall to provide a full range of opening are well known and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the Mitchell window capable of extending beyond the frame perimeter or entirely being received into the wall adjacent the frame, because this would provide a full range of opening.

Regarding to claims 2, 12, and 30, McManigal discloses that the display module is a liquid crystal display adapted to receive a digital display signal from the display signal source (col. 3, line 65 through col. 4, line 9). Further, McManigal discloses that the display module is a

CRT device conventionally adapted to receive an analog display signal from the display signal source (col. 2, lines 64-66, col. 4, lines 1-9).

Regarding to claim 31, as noting in fig. 2, col. 5, line 25, McManigal discloses a speaker (24').

9. Claims 2, 8, 12 and 19-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Portwood (USPN: 3,861,444) and further in view of McManigal (USPN: 5,253,051).

As per claims 19-27, Portwood discloses a window unit (see Fig. 1) comprising a window frame (1) (Fig. 1; col. 2, line 31) and two windows (two horizontally movable window sashes 9; see Fig. 1; col. 2, lines 36-37) including a first window (e.g., a right window 9 as shown in Fig. 1) and a second window (a left window 9 as shown in Fig. 1) (or corresponding to a multi-task window of claim 21). Portwood further teaches two sash windows (9) capable of moving along a horizontal window unit axis (Fig. 1, col. 2, lines 36-37), thereby inherently creating or forming an opening in the window frame and in the wall of the structure. Portwood does not expressly teach one of the two windows including a display module for receiving a display signal and displaying the display signal. Accordingly, Portwood discloses all the claimed limitations of these claims except a display module housed or included in the window and the window being receivable into the wall adjacent the window frame (claim 19) or at least a portion of the window extending beyond the frame perimeter (claim 21), as presently claimed.

However, McManigal discloses a window unit comprising two windows, a first window (a window including two left portions 32 as shown in fig. 6) and a second window or a multi-task window (see fig. 6) including a video screen 31 (corresponding to the claimed display module) and three remaining portions 32 (see fig. 6). McManigal further teaches the display

module (video display 10/31, see figs. 2 and 6, col. 2, lines 64-66, col. 5, line 31) adapted to receive a display signal from a display signal source (col. 1, line 61 through col. 2, line 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide a display module in the first or second window of Portwood, in view of the teaching in the McManigal reference, because this would provide the user to view simultaneously the outside scene and the selected scene presented on the video display, as recognized by one of ordinary skilled in the art as taught by McManigal (col. 1, line 40 through col. 2, line 29).

However, the combination of portwood and McManigal as discusses above still fails to teach the window being receivable into the wall adjacent the window frame (claim 19) or at least a portion of the window extending beyond the frame perimeter (claim 21), as presently claimed. Official Notice is taken that at least a portion of the window or the entire window extending beyond the frame perimeter or into the wall is well known and expected in the art, e.g., the operation of the vehicle window or the door of an elevator. Further, the benefits of using at least a portion of the window or the entire window extending beyond the frame perimeter or into the wall to provide a full range of opening are well known and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the Portwood window capable of extending beyond the frame perimeter or entirely being received into the wall adjacent the frame, because this would provide a full range of opening.

Regarding to claims 2, 12, and 30, McManigal discloses that the display module is a liquid crystal display adapted to receive a digital display signal from the display signal source

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(col. 3, line 65 through col. 4, line 9). Further, McManigal discloses that the display module is a CRT device conventionally adapted to receive an analog display signal from the display signal source (col. 2, lines 64-66, col. 4, lines 1-9).

Regarding to claims 8, 28, and 29, as discussed in the rejection to claim 21 above, Portwood in view of McManigal discloses the window extending beyond the frame perimeter. However, the combination of Portwood in view of McManigal fails to teach a tab, as presently claimed. Official Notice is taken that the benefit of using a tab disposed on a siding window and protruding into the frame in order to guide an operator to horizontally slide the window back and forth and to prevent the siding window out of track is well known and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide a tab disposed in on the sliding window of Portwood, because this would guide an operator to horizontally slide the window back and forth and prevent the siding window out of track.

Regarding to claim 31, as noting in fig. 2, col. 5, line 25, McManigal discloses a speaker (24').

***Response to Arguments***

10. Applicant's argument filed 11/21/2005 has been fully considered but it is not persuasive. Applicant argues that neither Mitchell nor McManigal discloses any kind of window that is receivable into the wall adjacent the window frame (see page 7, last paragraph, of the amendment filed on 11/21/2005). Examiner agrees; however, as discussed in the detailed rejection above, the feature, "the window is receivable into the wall adjacent the window frame" is well known and expected in the art. See the rejections above.

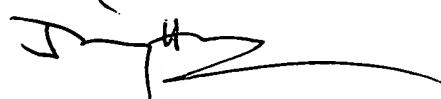
***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy H. Nguyen whose telephone number is 571-272-7675. The examiner can normally be reached on Monday - Thursday, 8:00 a.m. - 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached at 571-272-7681. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JHN  
March 13, 2006



Jimmy H. Nguyen  
Primary Examiner  
Art Unit: 2673